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UNCOVERING THE “HIDDEN CRIME” OF HUMAN TRAFFICKING BY EMPOWERING INDIVIDUALS TO RESPOND

Laura Shoop*

INTRODUCTION

Chantal, as an adult and a U.S. citizen rather than a child or an immigrant, was hardly the stereotypical sex trafficking victim. Even after she was arrested twelve times for prostitution, none of the prosecutors, defense attorneys, judges, service providers, or law enforcement officers who interacted with her thought to probe deeper into her situation—likely assuming that hers was yet another story of “girl gone bad.” If they had, they would have discovered that she was one of many women whom her former boyfriend was coercing to perform the sexual acts that led to her arrests.

Compare Chantal’s story with that of Olga, a Ukrainian woman admitted to a psychiatric ward in New York City after attempting suicide. Thankfully for Olga, a social worker at the psychiatric ward

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1. Dorchen A. Leidholt & Katherine P. Scully, Defining and Identifying Human Trafficking, in LAWYER’S MANUAL ON HUMAN TRAFFICKING: PURSUING JUSTICE FOR VICTIMS 31 (Jill L. Goodman & Dorchen A. Leidholt eds., 2011), https://www.americanbar.org/content/dam/aba/multimedia/trafficking_task_force/resources/Defining_and_Identifying_Human_Trafficking.authcheckdam.pdf [https://perma.cc/68TJ-VW4R]. The executive director of STEPS to End Family Violence shared this story with the authors. Id. at 44 n.25. The name of the victim was changed to protect her privacy. Id. at 44 n.23.

2. Id. at 31.

3. Id.

4. Id. at 31–32. Lori Cohen, senior staff attorney for the Immigration Intervention Project, Sanctuary for Families Center for Battered Women’s Legal Services and Tatyana Kopit, director of finance for the Sanctuary for Families, provided the authors with this story. Leidholt & Scully, supra note 1, at 44 n.26.
thought to probe deeper: Olga’s terror of the “family members” who awaited her release aroused the social worker’s suspicions.\textsuperscript{5} She arranged for a translator to speak with Olga, who was not fluent in English, and subsequently discovered that Olga was a victim of labor trafficking.\textsuperscript{6}

Despite the fact that human trafficking is a widespread problem in the United States, many Americans are unaware that it exists in their communities; even those who are—like the law enforcement officers who arrested Chantal—often do not know how to identify victims or respond to a suspected human trafficking case.\textsuperscript{7} Although the 2018 Global Slavery Index gave the United States government the second-highest rating in the world for taking action to respond to human trafficking, “the best laws and policies will be ineffective if those most likely to come in contact with victims do not know how to identify them or are not empowered to assist them.”\textsuperscript{8} Sex and labor

\textsuperscript{5} Id. at 32.
\textsuperscript{6} Id.

While the public thinks that human trafficking happens in the U.S., they are less willing to say that it happens in their own community. When asked about how common sex trafficking is, 73% of the public reports that it is widespread or occasional in the U.S.; however, that number drops to 54% when asked about their state, and 20% when asked about their local community.\textsuperscript{\textdagger} Similar patterns appear with labor trafficking, with figures of 69%, 50%, and 20%, respectively.


\textsuperscript{8} U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 9 (2018); WALK FREE FOUND., THE GLOBAL SLAVERY INDEX 2018, at 41 (2018), https://www.globalslaveryindex.org/resources/downloads/ [https://perma.cc/FTG5-GHU3] (finding that the Netherlands is the government “taking the most action to respond to modern slavery,” followed by the United States and the United Kingdom). One study noted that public engagement on human trafficking is “[p]erhaps the most important and least understood mechanism to combat” it because the public generates the demand for human trafficking and, if aware of the problem and engaged in fighting it, the public could reduce the demand, and “the greater weight that
trafficking survivors often interact with other members of the community in areas including schools, churches, health clinics and hospitals, public transportation, and local businesses. However, human trafficking is known as the crime “hidden in plain sight” for good reason—many victims do not self-identify, and a casual observer may not recognize that the victim is being trafficked.

Although there are notable exceptions, many individuals, including professionals who are more likely to encounter trafficked individuals, such as health care practitioners, law enforcement officers, and child welfare caseworkers, receive little or no training to help them identify human trafficking survivors. As Olga’s story demonstrates, professionals and other individuals who recognize the signs of human trafficking sufficiently to identify survivors and report it can make a significant difference in the life of a trafficked individual.

First, it is the public that generates the demand for both commercial sex and certain goods and services that makes trafficking in human beings among the most profitable enterprises in the world. Increased public awareness and engagement could have a large impact on reducing demand and driving traffickers out of business. Second, the public impacts the passage of sound, comprehensive legislation; the greater weight that the public places on an issue, the more likely that issue is to be prioritized by legislators, law enforcement, and policy stakeholders. Finally, through interviews with policy stakeholders, law enforcement, and policy stakeholders . . . .

10. Id. at 9–10. “Traffickers often hide their actions in plain sight by disguising their real purpose under the façade of a legitimate business or aid,” such as “own[ing] a massage parlor and use[ing] victims both for legal purposes (massages) and for the commonly humorized ‘happy endings’ clients may request.” Merideth J. Hogan, A Review of Human Trafficking, J. KAN. B. ASS’N, June 2018, at 36, 38. Traffickers will also launder money to “hide their proceeds” while appearing as “a legitimate business venture.” Id.
12. See Leidholt & Scully, supra note 1, at 32; see also BOUCHE ET AL., supra note 7, at 29.
is essential to creating an environment where human trafficking is recognized and effectively reported, in part because state law determines training requirements for workers most likely to encounter trafficking survivors, such as local law enforcement.\textsuperscript{13} State law is also instrumental in combatting human trafficking because state and local authorities bear the primary responsibility for handling criminal offenses in the United States, and state legislators have the freedom to try innovative solutions to target unique challenges in confronting trafficking within their respective states.\textsuperscript{14}

This Note will examine current state law promoting awareness of human trafficking and identification of trafficking survivors in the United States and make recommendations as to what further measures, if any, state legislators should take to increase awareness, identification, and reporting of human trafficking. Part I explains the history and development of human trafficking legislation at the federal and state levels. Part II analyzes the methods that states currently use to promote public awareness and identification. Part III discusses a proposal for amending current state law to better encourage and facilitate awareness of human trafficking and the identification and reporting of trafficking survivors.

\section{I. Background}

Federal law defines “severe forms of trafficking in persons” to include sex trafficking “in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained [eighteen] years of age”; and labor trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or


\textsuperscript{14}. FARRELL ET AL., supra note 7, at 2–3; see, e.g., infra note 118 and accompanying text.
coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

Although attempts to quantify the victims abound, “no reliable estimate of the number of trafficking victims in the United States” exists due to the largely hidden nature of the crime. Estimates vary widely: in 2000, Congress estimated that “[a]pproximately 50,000 women and children are trafficked into the United States each year,” a figure that did not include U.S. citizens who were trafficked. The Global Slavery Index estimated the number of victims of human trafficking in the United States in 2018 to be 403,000. In 2017, the National Human Trafficking Hotline and BeFree Textline (National Hotline) received calls or texts identifying 10,615 trafficking survivors—a large number, but far below estimates of the total number of survivors. Contrary to popular stereotypes, U.S. citizens, as well as authorized and unauthorized immigrants, fall victim to traffickers.

17. Victims of Trafficking and Violence Protection Act § 7102.
18. WALK FREE FOUND., supra note 8, at 78.
20. OWENS ET AL., supra note 7, at xvi; LAURA SIMICH ET AL., VERA INST. OF JUSTICE, IMPROVING HUMAN TRAFFICKING VICTIM IDENTIFICATION–VALIDATION AND DISSEMINATION OF A SCREENING TOOL 7 (2014), https://storage.googleapis.com/vera-web-assets/downloads/Publications/out-of-the-shadows-identification-of-victims-of-human-trafficking/legacy_downloads/human-trafficking-identification-tool-technical-report.pdf [https://perma.cc/2TVR-ES5F]. In fact, one 2012 study found that 81% of the sex trafficking survivors identified in the study were United States citizens. FARRELL ET AL., supra note 7, at 56. The report also indicated that the percentage of sex trafficking victims that were U.S. citizens rather than foreigners was consistent with prior research conducted by law enforcement relating to human trafficking. Id. By way of a caveat, the authors of the study specified that the study was limited to “patterns of human trafficking investigations and prosecutions in only twelve counties in the U.S.” and was “not intended to be nationally representative.” Id. at 66.
A. Development of Federal Human Trafficking Law—TVPA

Until Congress passed the Trafficking Victims Protection Act of 2000 (TVPA), laws specifically addressing human trafficking were limited.\(^2¹\) Congress developed the TVPA to “combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”\(^2²\) To accomplish its purpose, the TVPA adopted the “3Ps” approach: prevent human trafficking, protect and assist trafficking victims, and prosecute traffickers.\(^2³\) Two key provisions of the original TVPA included restitution for human trafficking victims and the T-visa, available to victims who were trafficked into the country as illegal immigrants.\(^2⁴\) The TVPA provided for the U.S. State Department to issue an annual Trafficking in Persons Report that ranks all countries according to a three-tier system depending on the countries’ respective

\(^{21}\) Hogan, \textit{supra} note 10, at 41.


\(^{24}\) \textit{Page & Piatt, Jr., supra} note 22, at 26. The Victims of Trafficking in Persons (T) nonimmigrant visa permits human trafficking victims who would otherwise be deported as illegal immigrants to remain in the United States if they follow certain conditions, including “cooperat[ing] fully” with law enforcement in investigating and prosecuting their trafficker. \textit{Id.} at 192. Those who are “possible” witnesses may qualify for the “continued presence” visa, which grants applicants work authorization. Shelly George, \textit{The Strong Arm of the Law Is Weak: How the Trafficking Victims Protection Act Fails to Assist Effectively Victims of the Sex Trade}, 45 CREIGHTON L. REV. 563, 572–73 (2012).
progress in the 3Ps.\textsuperscript{25} Countries in the bottom third tier may lose U.S. foreign aid.\textsuperscript{26}

B. Development of State Human Trafficking Law

States began enacting their own legislation specifically addressing human trafficking shortly after Congress passed the TVPA, with Texas and Washington becoming the first two states to enact human trafficking laws in 2003.\textsuperscript{27} Recognizing that efforts to address human trafficking would be insufficient without the assistance of state and local criminal justice systems, the federal government encouraged local responses by funding training for law enforcement and multi-agency task forces.\textsuperscript{28} The Department of Justice, in a further attempt to promote state involvement in prosecuting human trafficking cases, provided the Model State Anti-Trafficking Criminal Statute as a model state law in 2004.\textsuperscript{29} However, states found the model legislation to be confusing to implement and lacking in victim service provisions, so they instead began enacting provisions of model legislation templates developed by nongovernmental organizations (NGOs) dedicated to combatting human trafficking, including Polaris Project, Freedom Network USA, and Global Rights.\textsuperscript{30} The Uniform Law Commission developed a Uniform Act on Prevention of and Remedies for Human Trafficking in 2013 (Uniform Act), which the American Bar Association approved and nine states plus the U.S. Virgin Islands enacted.\textsuperscript{31}

\textsuperscript{25} Weiss, \textit{supra} note 23, at 30.
\textsuperscript{26} \textit{Id.}
\textsuperscript{28} FARRELL ET AL., \textit{supra} note 7, at 2–3. From 2002–2009, the federal government provided approximately $73 million to support “state law enforcement’s anti-trafficking efforts.” \textit{Id.} at 3 n.2.
\textsuperscript{29} \textit{Id.} at 3.
\textsuperscript{30} \textit{Id.} at 4.
Overall, states have made significant legislative efforts to pass laws combatting human trafficking since 2003: all states now have at least some legislation addressing and prohibiting human trafficking.\textsuperscript{32} By 2014, thirty-nine states had received the highest “Tier One” rating from Polaris Project for enacting at least seven of the ten laws Polaris recommended to curb human trafficking.\textsuperscript{33} Just three years prior, in 2011, only eleven states had received the Tier One rating.\textsuperscript{34} Shared Hope International, an NGO dedicated to fighting sex trafficking, reported a similar improvement in state legislation: in 2011, it gave twenty-six states its lowest “F” rating; no state received an “A.”\textsuperscript{35} By 2017, however, Shared Hope International gave thirty-four states a rating of “A” or “B.”\textsuperscript{36}
C. Hidden Nature of Human Trafficking and the Need for Training and Public Awareness

Despite many states enacting laws creating stern penalties for human traffickers and protective measures for victims, such laws will have limited effect if human trafficking victims are not identified. Many victims do not self-report for a variety of reasons. Traffickers often use psychological abuse, fear of deportation or prison, and threats against victims’ family members to prevent them from seeking help, particularly from law enforcement, even when victims are in positions where they interact frequently with the public. Whether engaged in prostitution as a result of sex trafficking or having the status of an undocumented immigrant, as do many labor trafficking victims, “until they recognize that they’re an actual victim, they just think they’re a criminal.” Foreign victims in particular are fearful of deportation, in part because traffickers threaten that police will immediately deport them if they seek help. Although many victims do seek assistance despite the danger, law enforcement often “depend[s] upon investigation and tips from the public to discover trafficking.”

Although most traffickers hide their victims, the public has an opportunity to identify victims when traffickers cannot avoid

follows: criminalization of domestic minor sex trafficking, criminal provisions addressing demand, criminal provisions for traffickers, criminal provisions for facilitators, protective provisions for child victims, and criminal justice tools for investigation and prosecution. Id.


38. U.S. DEP’T OF JUSTICE, supra note 16.

39. OWENS ET AL., supra note 7, at xii; see also FARRELL ET AL., supra note 7, at 76 (describing the efforts of both traffickers and consumers of trafficked humans to prevent detection).

40. FARRELL ET AL., supra note 7, at 82 (quoting a detective interviewed for the study). Some victims do not realize that they are being trafficked or that their status as a trafficking victim gives them rights despite their immigration status. OWENS ET AL., supra note 7. Sex traffickers in particular often brainwash their victims into believing that their situation is temporary, that the trafficker truly cares for them, or that the victim is the one committing a crime; and victims with a history of trauma or abuse may not recognize that they are being trafficked. FARRELL ET AL., supra note 7, at 83.

41. FARRELL ET AL., supra note 7, at 85.

42. U.S. DEP’T OF JUSTICE, supra note 16; see also FARRELL ET AL., supra note 7, at 39–40 (finding in its study that “[t]he most common means for a case of human trafficking to come to the attention of law enforcement was through a tip,” in part because neither victims nor victims’ families were likely to self-report).
community interaction. Victims of human trafficking cross multiple industries and interact with a wide variety of people, including “law enforcement officers, health care providers, school administrators and teachers, prosecutors and judges, labor inspectors, [and] transportation providers” when they “come into contact with the criminal justice system, seek medical care, attend school or faith services, work in local businesses, or utilize public transportation.”

Victims work in both legal and illegal industries, including “commercial sex, hospitality, traveling sales crews, agriculture, janitorial services, construction, restaurants, care for persons with disabilities, salon services, massage parlors, fairs and carnivals, peddling and begging, drug smuggling and distribution, and child care and domestic work.”

However, the American public is “largely unaware that crimes resembling slavery take place in America.” In some situations, even when victims reached out for help, those they asked had trouble identifying and assisting them, leading to further discouragement.

Law enforcement officials are more likely to come into contact with

43. Leidholt & Scully, supra note 1, at 32. “Traffickers often hide their actions in plain sight by disguising their real purpose under the façade of a legitimate business or aid . . . . [T]o hide their proceeds, traffickers might set up money laundering schemes to give the appearance of a legitimate business venture.” Hogan, supra note 10. Recent stories of workers within the transportation industry who successfully identified human trafficking victims and thwarted their traffickers highlight the fact that the public has opportunity to act on behalf of victims if they recognize that the victim is being trafficked. See Caroline A. Ross, Land of the Free, Home of the Slave: Human Trafficking Legislation in South Carolina, 68 S.C. L. REV. 1015, 1041 (2017); Brian Latimer, Uber Driver Saves 16-Year-Old Girl from Sex Trafficking, NBC NEWS (Dec. 29, 2016, 2:21 PM), https://www.nbcnews.com/news/latino/uber-driver-saves-16-year-old-girl-sex-trafficking-n701241 [https://perma.cc/L874-6BGR] (detailing the story of a California Uber driver who overheard two of his passengers discussing their plans to prostitute the third passenger, a young girl, and called the police; the traffickers were arrested and the girl was rescued). A flight attendant rescued a victim when she spotted a well-dressed man flying with a teenage girl who “looked like she had been through pure hell” and became suspicious. Kalhan Rosenblatt, Flight Attendants Train to Spot Human Trafficking, NBC NEWS (Feb. 4, 2017, 6:01 AM), https://www.nbcnews.com/storyline/airplane-mode/flight-attendants-train-spot-human-trafficking-n716181 [https://perma.cc/RH8L-HG45]. After communicating secretly with the girl by leaving a note in a bathroom, she told the pilot, who arranged for the police to be at the terminal when they landed. Id.

44. U.S. DEP’T OF STATE, supra note 8.

45. Id. at 448.

46. OWENS ET AL., supra note 7; see also FARRELL ET AL., supra note 7 (noting the “widespread lack of awareness” of the problem of human trafficking).

47. OWENS ET AL., supra note 7.
trafficked individuals than those in other professions, yet some officials do not believe that human trafficking impacts their local community, negatively impacting their ability to identify trafficked victims. \(48\) In addition, before 2015, “50–88% of trafficking victims saw one or more health care provider[s] while trafficked, yet none were identified as victims.”\(49\) Likewise, many child human trafficking victims attend public schools, providing an opportunity for school personnel to identify them and report the trafficking.\(50\) A number of sex trafficking victims were previously involved in the child welfare system, yet few jurisdictions have training or protocols to educate child welfare workers on identifying children who are being sexually exploited or are at risk for sexual exploitation.\(51\)

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48. See U.S. DEP’T OF STATE, supra note 8; FARRELL ET AL., supra note 7, at 7. Labor trafficking cases in particular are difficult for law enforcement to distinguish from other crimes because law enforcement agencies do not prioritize labor trafficking investigations. OWENS ET AL., supra note 7, at viii, xiv; see also FARRELL ET AL., supra note 7, at 99. Even in sites where there were structural mechanisms to support the identification of human trafficking incidents such as state legislation and federally-funded task forces, law enforcement officials indicated that identifying human trafficking cases, particularly labor trafficking cases, was not a high priority within their agency or their community more broadly. FARRELL ET AL., supra note 7, at 99. Although the obvious first step for law enforcement to act in a labor trafficking case is to identify the situation as one involving trafficking, “identification can be challenging for law enforcement officials, who are not frequently trained to differentiate between labor exploitation and labor trafficking.” OWENS ET AL., supra note 7, at 177. “When victims are afraid to approach law enforcement about their situations and law enforcement is unable to properly identify labor trafficking, a double blindness ensues that acts as a significant barrier to the identification of cases.” Id.

49. Bringing the Full Force of HHS to Prevent and End Human Trafficking, OFF. ON TRAFFICKING PERSONS (July 30, 2018), https://www.acf.hhs.gov/otip/resource/fullforce [https://perma.cc/C7Q3-VCAW] [hereinafter Full Force of HHS]. Training targeted toward health care providers appeared to have an impact on the number of victims identified: after noting the abysmal rates of health care providers identifying human trafficking victims, the United States Department of Health and Human Services in 2014 launched and later expanded the SOAR to the Health and Wellness training program, which included accredited training for health care providers in human trafficking. Id. Between 2014 and 2017, the number of trafficking-related calls to the National Hotline from health care providers increased by 171% while the number of overall trafficking-related calls had only increased by 54%; and “engagement with the health care sector was the third most likely way for victims of trafficking to seek help from the Hotline, after engagement with friends and family and law enforcement.” Id.

50. U.S. DEP’T OF EDUC., HUMAN TRAFFICKING IN AMERICA’S SCHOOLS 1 (2015). Although runaway and homeless children “are at particularly high risk for becoming victims,” some children “continue living at home and attending school” while victims of trafficking. Id. at 4. Recruiters often target children who have experienced “sexual abuse, dating violence, low self-esteem, and minimal social support.” Id.

51. WALKER & QURAISHI, supra note 11.

Despite the fact that many victims of sex trafficking have previous involvement in the
II. Analysis

As with state human trafficking laws in general, state laws specifically designed to promote public awareness and identification of human trafficking survivors are widely varied. As detailed below, most states have addressed the issue in some manner, and the number and variety of statutes requiring or encouraging measures to increase awareness have increased exponentially within the past two years, with many going into effect in 2017 or 2018. Determining which laws are most effective is problematic due to the dearth of reliable statistics regarding human trafficking and the short length of time many of these provisions have been in place. A significant number of these statutes lack either a mandate or a penalty for noncompliance, weakening their impact and diminishing their effectiveness. The following section describes and analyzes several such state laws that encourage public awareness of human trafficking and identification of survivors.

A. National Hotline Posting

Two sections of the Uniform Act, which many states have adopted, contain model language for measures to promote awareness of human trafficking. One requires establishments where trafficked victims are likely to come, including rest areas, strip clubs, job recruitment centers, and hospitals, to post a public awareness sign containing a child welfare system, many jurisdictions do not have initiatives or protocols in place to train child welfare workers on commercial sexual exploitation and how to identify children who either have been exploited or are at risk for such exploitation.

Id.

52. See infra Part II.

53. See, e.g., CAL. EDUC. CODE § 51950(a)-(b), (f) (West 2018); CAL. EDUC. CODE § 51934(a)(10) (West 2018); KAN. STAT. ANN. § 8-2,157 (2001); MO. REV. STAT. § 595.120 (2018); N.J. ADMIN. CODE § 5:10-29.1(a)-(b) (2018).

54. See, e.g., MO. REV. STAT. § 595.120 (only effective since August 2018 and only required to be enacted since January 2019); U.S. DEP’T OF JUSTICE, supra note 16.


local, state, or national hotline for human trafficking victims to call for help.\textsuperscript{57} The model statute specifically references the National Hotline.\textsuperscript{58} For establishments that fail to comply, the Uniform Act recommends a fine of $300 per violation.\textsuperscript{59}

A significant majority of states have adopted the Uniform Act’s model legislation, or a similar derivative, requiring certain establishments to display a poster containing the National Hotline—at least thirty-five states and the District of Columbia.\textsuperscript{60} Most states require display of the poster only at businesses where human

\textsuperscript{57} Id. § 20. The model statute for the display of public-awareness signs provides:
\begin{itemize}
  \item[(a)] The [state transportation department] shall display a public-awareness sign . . . in every transportation station, rest area, and welcome center in the state which is open to the public.
  \item[(b)] A public awareness sign . . . shall be displayed at the following locations in a place that is clearly conspicuous and visible to employees:
    \begin{itemize}
      \item (1) a strip club and any other sexually-oriented business;
      \item (2) an entity found to be a nuisance for prostitution . . . ;
      \item (3) a job recruitment center;
      \item (4) a hospital; and
      \item (5) an emergency care provider.
    \end{itemize}
\end{itemize}

\textsuperscript{58} Id.; Mission, supra note 19. Polaris, a nonprofit organization dedicated to combatting human trafficking that is funded by the Department of Health and Human Services as well as private donors, established the National Hotline in December 2007. Mission, supra note 19.

\textsuperscript{59} UNIF. ACT ON PREVENTION OF & REMEDIES FOR HUMAN TRAFFICKING § 20.

trafficking survivors are most likely to come.61 Some states also require government buildings to display the poster.62 Although a few only require posting at rest areas, others have sweeping requirements such as posting at all establishments with public restrooms, by all employers subject to the Minimum Wage Fairness Act, or by all licensed professionals.63 Interestingly, Ohio requires the display of the poster at championship sports games and fairs, and in 2018, Kentucky added a requirement for display in public schools.64

Despite its popularity, no study has evaluated the effectiveness of the National Hotline, although one is currently underway and should be completed in 2020.65 The number of calls to the National Hotline nearly doubled from 2012 to 2017, which may indicate that requiring its display increases public knowledge of its existence but does not necessarily suggest that people are identifying more survivors.66 On the other hand, the number of survivors who call is a fraction of the total estimated number.67 Language and cultural barriers, coupled with the fact that most posters give only a cursory description of human trafficking without warning signs that might help survivors recognize

61. See, e.g., MO. REV. STAT. § 595.120. In most states, the state government develops and links the poster to a government website for businesses to download, with businesses responsible for the minimal cost of printing; however, in Oregon, nonprofits may develop the poster and are responsible for the cost. See, e.g., ALA. CODE § 13A-6-170(c); OR. REV. STAT. § 377.880.
62. GA. CODE ANN. § 16-5-47.
63. IDAHO CODE § 40-507(4) (“The department will allow posters and signs to be placed by nonprofit anti-human trafficking organizations in or around safety rest areas.”); N.M. STAT. ANN. § 30-52-2.1(A) (“An employer subject to the Minimum Wage Act, a person licensed . . . a health facility licensed . . . and a state or local government agency that manages a transportation facility, including a highway rest area, shall post a [notice] . . . .”); OR. REV. STAT. § 377.880 (allowing nonprofits to post the notice in stalls at rest areas); WASH. REV. CODE § 47.38.080 (voluntary, not mandatory, posting in restrooms for all establishments that maintain public restrooms).
64. KY. REV. STAT. ANN. § 156.095(8)(g) (West 2019); OHIO REV. CODE ANN. § 5502.63(B)(2)(g), (i) (LexisNexis 2019).
67. Compare WALK FREE FOUND., supra note 8, at 78, with POLARIS, supra note 19.
themselves, likely limit the poster’s usefulness in helping third parties to identify survivors or survivors themselves to self-identify. The extent of the National Hotline’s effectiveness is thus unclear: a 2015 study found that state laws requiring posting of the National Hotline were the most significant laws in increasing human trafficking arrests; however, a posting requirement did not significantly impact the number of human trafficking prosecutions within a state, suggesting that this method alone is limited in its impact. The popularity of National Hotline legislation is thus likely due to its inclusion in the Uniform Act, ease of implementation, and comparatively minuscule cost to the state rather than its effectiveness compared with other measures.

Lack of enforcement is another barrier to effectiveness of laws requiring the display of the National Hotline poster. Nine states merely encouraged but did not require display.

68. See, e.g., S.C. CODE ANN. § 16-3-2100 (2015). Although the actual text of the poster varies slightly from state to state, the key requirements for most states are that the poster contain a brief description of human trafficking and the service that the National Hotline offers and that establishments display it in a prominent place with large font in both English and Spanish. See id. The required text of the South Carolina poster, which is a representative example of the language found in other state statutes, reads in part as follows:

If you or someone you know is being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farm work, or any other activity, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under federal law and the laws of South Carolina.

69. BOUCHE ET AL., supra note 7, at 17. This finding “suggests that when human trafficking arrests are reactive in nature—based on a tip from the hotline—the arrest does not necessarily produce the requisite evidence that leads to a prosecution.” Id. at 20. A comprehensive approach to human trafficking law is necessary, including “enhanced investigative tools, such as wiretapping, for law enforcement encourages a more proactive approach to investigating these cases, thereby leading to stronger evidence for prosecution.” Id.

70. IDAHO CODE § 40-507(4) (2015) (stating “[t]he department will allow posters and signs to be placed by nonprofit anti-human trafficking organizations in or around safety rest areas” but posting is not required); KAN. STAT. ANN. § 75-759(a) (2017) (requiring posting on government websites but only “may” be posted in workplaces); MONT. CODE ANN. § 44-4-1501(2)–(3) (2013) (providing the department of justice “shall request that any person or entity receiving a copy of the poster display the poster in a location that is accessible to employees and members of the public”) (emphasis added); NEB. REV. STAT. § 81-1430(3)(b) (2017) (requiring poster display at rest areas and strip clubs but making display voluntary at other establishments); OHIO REV. CODE ANN. § 5502.63(2) (LexisNexis 2019) (“The division [of criminal justice services] shall make the poster available . . . to and encourage its display at [various establishments].”); TENN. CODE ANN. § 39-13-315(c) (2011) (“Any governmental entity or private
display, a large number of states did not create a penalty for noncompliance, rendering the requirement practically voluntary.\footnote{71}{See, e.g., LA. STAT. ANN. § 15:541.1(E) (2019) (civil penalty for noncompliance “may” be assessed); MO. REV. STAT. § 595.120(4) (2018) (after the initial warning for noncompliance, violators “may” be guilty of an infraction for subsequent violations); N.M. STAT. ANN. § 30-52-2.1 (2014) (no fine in statute); N.C. GEN. STAT. §§ 90-632.19, 143B-431.3, 19-8.4, 131E-84.1, 14-202.13 (2017) (no fine in statute); N.D. CENT. CODE § 12.1-41-16 (2015) (no fine in statute); TEX. HEALTH & SAFETY CODE ANN. § 245.025 (West 2017) (no fine in statute).}

B. Human Trafficking Council

will expire in 2019 if it is not reauthorized. Virginia previously had a council, but it has already expired.

Human trafficking councils have not been evaluated in formal studies, although a study of one local task force is currently underway. However, more generalized research indicates that task forces are useful in providing the comprehensive legal structure necessary to effectuate human trafficking litigation: one study found that “more comprehensive laws do increase arrests and prosecutions for human trafficking” because “it is actually the support structure around the criminalization of the act that induces law enforcement action.” The study further indicated that task forces “are the strongest predictors of state prosecution of human trafficking suspects.”

C. Professional Licensure and Continuing Education

Many states have recently added training in human trafficking as a component of professional licensure and continuing education; however, their methods vary widely: training in human trafficking is voluntary in some states, mandatory for licensure in others, and mandatory but lacking a penalty for noncompliance in others. For example, although Ohio stopped short of a mandate, its general assembly strongly recommended that licensing boards for professionals who “may encounter human trafficking victims in the


75. COLO. REV. STAT. § 18-3-505 (the statute was enacted in 2014 but repealed in 2019); N.Y. SOC. SERV. LAW § 483-ee (McKinney 2018) (one of the earliest task forces on human trafficking, it was enacted in 2007 and expired in 2019).


78. BOUCHE ET AL., supra note 7, at 20.

79. Id. at 17.

80. See infra Section II.C.
normal course of their work” require those professionals to have training in human trafficking as a condition of issuing and renewing licenses. 81 A significant number of licensing boards followed Ohio’s recommendation; however, some boards allowed human trafficking education to be one of several options for continuing education hours rather than mandatory. 82

Ohio is not the only state that does not mandate training. Of those that have training laws, many states list it as a mere option for continuing education hours for licensure. 83 However, professionals may have little incentive to obtain training absent a mandate. 84 Even statutes with a mandate often lack a penalty for noncompliance, resulting in diminished compliance. 85

At least eleven states require that human trafficking be included in law enforcement training. 86 Three states provide that such training

82. OHIO ADMIN. CODE 4501-7-28(J)(10) (2016) (part of the curriculum for commercial motor vehicle training); OHIO REV. CODE ANN. § 4743.07 (human trafficking content part of in-service training for teachers); OHIO ADMIN. CODE 4779-9-01(D) (2015) (orthotists and prosthetists “may” be required to complete at least one hour of continuing education on human trafficking as a condition of license renewal); OHIO ADMIN. CODE 4753-4-01(2)-(3) (2017) (training on human trafficking an option for continuing education hours for pathologists and audiologists); OHIO ADMIN. CODE 4734-7-02(B)(5) (2016) (training on human trafficking an option for continuing education hours for chiropractors); OHIO ADMIN. CODE 4723-14-03(A), (J) (2018) (human trafficking training a continuing education option for nurses); OHIO ADMIN. CODE 5101.2-33-55(F)(4), (G) (2019) (caseworkers for public children services agency must complete an introductory course on human trafficking within two years of the hiring date); OHIO ADMIN. CODE 4713-1-14(A) (2019) (training on human trafficking required either during cosmetology school or as continuing education); OHIO ADMIN. CODE 4713-1-14(C) (2019) (human trafficking education a condition for obtaining a boutique services registration); OHIO ADMIN. CODE 3772-20-03(C), (D)(7) (2017) (training a requirement for casino security department employees); OHIO ADMIN. CODE 1301:8-5-08(B)(1)(c)(viii) (2017) (human trafficking training an option for continuing education for pawnbrokers).
83. See, e.g., ARIZ. ADMIN. CODE § R7-2-619(C) (2018); OHIO ADMIN. CODE 4753-4-01(2).
85. See VANEK, supra note 55.
86. ALASKA ADMIN. CODE ch. 13, § 85.050(b)(7)(C) (2019); CAL. PENAL CODE § 13519.14(e) (West 2012); CONN. GEN. STAT. § 17a-106h(a)-(b) (2019); D.C. CODE § 22-1842 (2015); IND. CODE § 5-2-1-9(a)(10) (West 2017); KY. REV. STAT. ANN. § 15.334(1)(e) (West 2018); LA. STAT. ANN. § 40:2405.7(B)(3) (2012) (training “provide[d]” for law enforcement in, among other topics, “[m]ethods used in identifying United States citizens and foreign national victims of human trafficking, including preliminary interview techniques and appropriate questioning methods”); it is unclear whether this training is required); 31 MISS. CODE R. § 97-3-54.8(2)(2014); N.J. STAT. ANN. § 2C:13-12(a)(2015);
“may” be required but do not specifically mandate it. New York requires the dissemination of educational materials and procedures to all members of the state police force but does not have a training requirement. A number of states expand training for law enforcement to include the entire criminal justice system. Two states implemented mandatory training programs for judicial staff.

Where these measures fail to enact a penalty for noncompliance, their usefulness is hampered due to the lack of incentive for law enforcement divisions to comply promptly. Although California in 2012 mandated a minimum two-hour training session on human trafficking for law enforcement, the statute did not assign a penalty for noncompliance. Consequently, a majority of officers had received no such training as of 2015. However, training for law enforcement is necessary because studies have found it to be “key to increasing the number of human trafficking cases identified by law enforcement.”

A demonstration project in Utah reported that training for local law enforcement caused participants’ attitudes to shift significantly toward viewing trafficked individuals as victims rather than criminals.


87. ARK. CODE ANN. § 12-18-1202 (2016) (allowing for training of “[t]he Arkansas Juvenile Officers Association, Arkansas Law Enforcement Training Academy, or the Prosecutor Coordinator may provide training to intake officers, law enforcement, prosecutors, and any other appropriate staff” on identifying sexually exploited children); FLA. STAT. § 409.1754(4)(a) (West 2018) (training on sexual exploitation of children may occur if funds are available); OR. REV. STAT. § 181A.480 (2018) (stating the Board on Public Safety Standards and Training “may” require that police officers receive training); WASH. REV. CODE § 43.280.095 (2019) (providing the office of crime victims advocacy will establish a training program for criminal justice personnel).

88. N.Y. EXEC. LAW § 214-d (McKinney 2018).

90. See CAL. PENAL CODE § 13519.14(e) (“Every law enforcement officer who is assigned field or investigative duties shall complete a minimum of two hours of training in a course or courses of instruction pertaining to the handling of human trafficking complaints as described in subdivision (a) by July 1, 2014, or within six months of being assigned to that position, whichever is later.”); see also VANEK, supra note 55.

91. FARRELL ET AL., supra note 7, at 94.

Some states recently required professionals who work primarily with children to have human trafficking training, with at least three states requiring it for school employees.\(^\text{95}\) Some also require training for child care workers, foster parents, social workers, and caseworkers.\(^\text{96}\) By contrast, in Arizona, human trafficking is merely one of many topics that educators may choose from to complete their continuing education hours.\(^\text{97}\) Similarly, other states distribute resources on human trafficking to school personnel, parents, and students, but have no training requirement.\(^\text{98}\) Although such laws would have a limited impact on adult victims, they have potential to help child victims of sex trafficking, a majority of whom have contact with the child welfare system.\(^\text{99}\) However, mere distribution of

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\(^\text{95}\) CONN. GEN. STAT. § 17a-106h; IND. CODE § 20-28-3-7(a) (West 2007) (requiring one hour of training every two years “pertaining to the identification and reporting of human trafficking” for all school employees of public and accredited nonpublic schools who are likely to have contact with students, effective 2018); OHIO REV. CODE ANN. § 3319.073(A)-(B) (LexisNexis 2018).

\(^\text{96}\) 9 DEL. ADMIN. CODE 201-37.2.16 (2019); D.C. CODE § 22-1842 (2015); FLA. ADMIN. CODE ANN. r. 65C-43.004(3)(d) (2019); KAN. ADMIN. REGS. 28-4-1255(k)(2)(B) (2014); NEB. REV. STAT. § 43-4707 (2016) (authorizing the adoption of rules for training foster parents in 2016; however, it does not appear from Nebraska’s legal code that the rules have been adopted); N.J. ADMIN. CODE §§ 3A:56-5.4(c)(6), 3A:55-5.4(c)(7) (2018); OHIO ADMIN. CODE 5101:2-33-55(4) (2018); TEX. FAM. CODE ANN. § 264.153(a)(4) (West 2019) (developing a plan to identify training needs for caseworkers and train them with curriculum developed by the human trafficking prevention task force; however, it does not appear from the Texas legal code that this is a mandate).

\(^\text{97}\) ARIZ. ADMIN. CODE § R7-2-619(C) (2018) (listing human trafficking as one among several topics from which educators can choose for continuing education hours).

\(^\text{98}\) ARK. CODE ANN. § 6-17-710(a)(1)-(2) (2018) (providing the state “make[s] available” thirty minutes of training per year on “[r]ecognizing the warning signs that a child is a victim of human trafficking” and “[r]eporting a suspicion that a child is a victim of human trafficking”); IND. CODE § 20-19-3-11.7(a)-(b) (2018) (requiring a link on the education department’s website containing resources about human trafficking and how to report suspected incidents; effective 2018); MD. CODE ANN., EDUC. § 7-432(b)(1)-(2) (LexisNexis 2011) (stating the Maryland Department of Health “shall provide” resources and materials on human trafficking developed and distributed to school personnel, including counselors and health care providers, and to students and parents); VA. CODE ANN. § 63.2-214.3 (2017) (stating Virginia “shall provide” resources on human trafficking distributed to schools, parents, and teachers).

resources likely will not have the same impact as required training sessions because there is no guarantee that recipients will review the resources. Also, distributed resources, as opposed to a training program tailored to situations that employees working with children might encounter, may not contain enough detail and specificity to be useful.

A handful of states have also begun within the past two years to require medical personnel to obtain training in human trafficking.100 Texas requires training for employees at facilities providing abortions to “identify and assist victims of human trafficking.”101 Washington requires the state to disseminate information about human trafficking to licensed psychologists and physicians but does not make training a condition for licensure.102 One study revealed that such training will likely prove useful in identifying victims: a project providing training to medical personnel at a community hospital, where no health care workers had previously identified human trafficking victims, resulted in newly-trained personnel identifying thirty-eight potential victims during five months, 20% of whom accepted assistance.103 However, where training is voluntary, as in Washington where only information dissemination is required, there is no extrinsic incentive for the recipient to review the information and no opportunity to ensure that recipients understand the information sufficiently to apply it.

study found that “between 50 and 80 percent of commercial sexual exploitation victims were involved with child welfare at some point,” and the Connecticut Department of Children and Families conducted a study which found that out of eighty-eight child sex trafficking victims, eighty-six were involved with child welfare services. Id. 100. CONN. GEN. STAT. § 17a-106h (2019); FLA. STAT. § 464.013(3)(c) (2018); OHIO ADMIN. CODE 4723-14-03, 4734-7-02, 4753-4-01, 4779-9-01(D) (2018). In New Jersey, such training for health care employees is a condition of issuing and renewing licensure for health care facilities. N.J. STAT. ANN. § 2C:13-12(c)(1) (West 2015).

101. TEX. HEALTH & SAFETY CODE ANN. § 171.082(a) (West 2015).


103. Emergency Nurses Ass’n, Study Highlights Need for Education and Training to Help Human Trafficking Victims, EUREKALERT! (June 26, 2017), https://www.eurekalert.org/pub_releases/2017-06/m-shnt062217.php [https://perma.cc/ZV6Y-6JQ6]. A team conducted the training project at a “level two trauma center in a southwestern Pennsylvania community hospital ED,” taught the staff using “a two-pronged identification approach: medical red flags created by a risk assessment tool embedded into the electronic health record and a silent notification process,” and provided advice on the “proper protocol to ensure the successful rescue and safety of the victims.” Id.
D. New Training Laws

Several very recently enacted laws requiring training in particular industries to promote public awareness and identification of human trafficking survivors deserve their own discussion. Illinois, Ohio, and Texas require training on recognizing and preventing human trafficking to be part of the mandatory curriculum for commercial motor vehicle training.\footnote{104} Arkansas and Kansas require such training both for commercial license issuance and renewal as of 2017 and July 2018, respectively.\footnote{105} Texas and Maine both started requiring that informational material about human trafficking be distributed to commercial driver’s license applicants in 2017.\footnote{106}

Because sex trafficking often occurs at truck stops and is advertised through radios used by truckers, training commercial drivers to identify survivors and report suspected cases has potential to greatly impact human trafficking prosecutions.\footnote{107} However, laws that only require distribution of human trafficking material may not be as effective as laws that mandate training because recipients will not have the same incentive to read the material. Also, material developed for mass distribution would likely lack the level of depth and specificity needed to adequately prepare truckers to identify victims and report suspected cases.

\footnote{104} ILL. ADMIN. CODE tit. 92, § 1060.200 (2018); OHIO ADMIN. CODE 4501-7-28(J)(10) (2018); TEX. EDUC. CODE ANN. §§ 130.0105, 132.006 (West 2002).
\footnote{105} KAN. STAT. ANN. § 8-2,157 (2001) (training in human trafficking required for license issuance or renewal, effective July 2018). In Arkansas, a commercial driver’s license applicant must either complete an approved human trafficking prevention course or become a “Certified Trucker Against Trafficking” by completing the online certification course offered by Truckers Against Trafficking to receive the license. ARK. CODE ANN § 27-23-108(c)(1)(A)–(B) (2014).
\footnote{106} TEX. TRANSP. CODE ANN. § 522.035 (West 2018) (department will distribute “informational materials regarding the recognition and prevention of human trafficking” to commercial driver’s license applicants). In another new law enacted in 2017, information on human trafficking prevention must accompany an initially issued or renewed commercial driver’s license in Maine. ME. STAT. tit. 29-A, § 1253(6) (2018).
Laws in Connecticut and New Jersey require training for hotel employees. Because hotels are the location most commonly reported for sex trafficking, Connecticut requires hotel employees to be trained upon hire and annually thereafter to recognize and report suspected trafficking cases. Hotels must keep records of each employee’s training. Government agencies and the “state and national hotel and lodging association” developed the training program in partnership. New Jersey only requires a one-time training on human trafficking, but a hotel’s licensure is conditioned upon compliance. Because the laws are relatively new—Connecticut enacted the law in 2016 and New Jersey enacted the law in 2013—their impact and effectiveness are unknown. Though both laws represent a laudable effort to increase the identification and reporting of trafficking victims at locations identified as human trafficking hotspots, there is room for improvement. Nothing in Connecticut’s statute states a consequence for failure to train hotel employees in human trafficking prevention. This lack of an enforcement provision will likely compromise the law’s effectiveness because the cost and inconvenience of providing

108. CONN. GEN. STAT. §§ 17a-106g, 44-5 (2019) (“[E]ach employee of [a] hotel, motel, inn or similar lodging [must] receive training at the time of hire on the (1) recognition of potential victims of human trafficking, and (2) activities commonly associated with human trafficking. In addition, such operator shall conduct ongoing awareness campaigns for employees on the activities commonly associated with human trafficking.”); N.J. STAT. ANN. § 2C:13-12(b)(1) (West 2015) (requiring a one-time training course for “owners, operators, and staff of hotels and motels” as “a condition of issuance, maintenance, or renewal of any license, permit, certificate, or approval”).


110. CONN. GEN. STAT. § 44-5.

111. Forbes, supra note 109, at 510–11. The “Commissioner of Children and Families with the Commissioner of Emergency Services and Public Protection” partnered with the hotel association to develop training curriculum for hotel staff on “identifying and reporting suspected incidents of human trafficking.” Id. Indicators of trafficking specific to the hotel industry include “paying for a room in cash or with a pre-paid card,” “extended stays with only few possessions,” and “requesting a room overlooking the parking lot.” Id.


113. CONN. GEN. STAT. §§ 17a-106g, 44-5; N.J. STAT. ANN. § 2C:13-12(b)(1).

114. See Forbes, supra note 109, at 509–10.

115. CONN. GEN. STAT. § 44-5.
training may discourage voluntary compliance. On the other hand, tailoring the training curriculum specifically for hotel employees with input from the hotel association will create a more effective program than a generalized curriculum. Under New Jersey’s statute, hotels that fail to comply would be unable to obtain, maintain, or renew their licenses. However, New Jersey’s statute is only a one-time requirement, which will have diminished effectiveness for longtime employees.

E. Training for Schoolchildren

Although most laws focus solely on increasing awareness among adults, Texas and California recently enacted statutes requiring human trafficking training for schoolchildren in response to numerous findings that child victims of sex trafficking often attend school and are frequently recruited for sex trafficking by a classmate. The law’s authors wanted to reach those most at risk (children between ages nine and eighteen) to enable them to recognize would-be traffickers before being victimized. In both California and Texas, parents may excuse their children from the training classes. California requires that students receive instruction on identifying human trafficking at least once in middle school and once in high school.

The impact of these laws is unclear because they were so recently enacted—Texas in 2017 and California in 2018. The cost is extensive: an estimated “$20,000 to develop the training curriculum” and “$5 million to administer the training.” Although the laws have

117. See id.
118. CAL. EDUC. CODE § 51934(a)(10) (West 2018); TEX. EDUC. CODE ANN. § 28.017(a) (West 2018); see Shelby Lundahl, Chapter 558: California’s Fight Against Modern Day Slavery, 49 U. PAC. L. REV. 427, 437–38 (2018). The California law was developed after a three-year study in San Diego found that, of the twenty high schools that participated, all had students that sex traffickers were recruiting; and “[o]ne hundred and forty-one participating high school staff members reported 81 victims and 54 suspected victims in the past five years, along with 17 recruiters targeting the school campuses.” Id.
119. Lundahl, supra note 118, at 435.
120. CAL. EDUC. CODE § 51950(c) (West 2018); TEX. EDUC. CODE ANN. § 28.017(c)(3).
121. CAL. EDUC. CODE § 51934(a).
122. Id. §§ 51950(c), 51934; TEX. EDUC. CODE ANN. § 28.017.
123. Lundahl, supra note 118, at 446.
potential for significant impact on children at risk for domestic sex trafficking, they will have limited impact on trafficking victims who do not attend school. On the other hand, interviews with prior child sex trafficking survivors indicate that training for schoolchildren would be worth the investment because of its potential impact on the target community of children at risk for domestic sex trafficking. Some survivors indicated that their naivety about the world in general and human trafficking in particular played a key role in them becoming victims.

III. Proposal

Because a key component of fighting this largely hidden crime involves making members of the public aware of it and preparing them to respond, states’ ability to uncover and decrease human trafficking will be hampered if the public remains unaware of its occurrence in their communities and unfamiliar with warning signs. Although a majority of states have legislation promoting awareness and identification of human trafficking, the effectiveness of these laws could be significantly increased with additions and improvements. Specifically, states should first amend current laws to improve their effectiveness, primarily by mandating provisions that are currently voluntary and by creating penalties for noncompliance. Second, states should expand training requirements by mandating training for licensed professionals, tailoring curriculum to fit the needs of each industry where training occurs, ensuring a plan for funding, evaluating training programs, and including training that focuses on labor trafficking. Third, states should offer tax incentives for employers that

124. See Cynthia Hawkins DeBose & Alicia Renee Tarrant, Child Sex Trafficking and Adoption Re-Homing: America’s 21st Century Salacious Secret, 7 WAKE FOREST J.L. & POL’Y 487, 533 (2017) (observing victims of child sex trafficking stating that “had they been educated properly, they would have been equipped with better tools to avoid falling victim to the sex trade”).
125. Id.
126. Id. A former victim of child sex trafficking, when asked what would have helped to prevent her from becoming a victim, stated, “As a child I needed more knowledge about the world, and more education about sex. I needed to know more about sex and about violence and about drugs and about how the world operates. I was very naïve.” Id.
provide ongoing training for employees who meet specified requirements and are regularly evaluated. Finally, states should enact human trafficking councils to coordinate and analyze the state’s response to human trafficking.

It is important to note that certain states have many creative laws to promote awareness and identification of human trafficking. Moreover, some states that have not passed many such laws have put forth considerable effort to improve their human trafficking laws generally. The following proposal is not intended to belittle the noteworthy efforts of states in the area of human trafficking; however, while the problem persists, it is incumbent upon the entire community to analyze and improve upon even the most notable efforts.

A. Improve Existing Laws

States should mandate the provisions in existing laws and include penalties for noncompliance. Although few studies have measured the effectiveness of laws focusing on public awareness and identification, studies that do exist indicate that such laws have an impact on increasing human trafficking prosecutions. However, even well-meaning individuals and entities tend to take longer to comply or do not comply at all when requirements are not mandated. Issuing mandates and penalties for noncompliance would increase the effectiveness of existing laws. For instance, states with legislation regarding the display of a National Hotline poster should mandate the

127. See supra Part II.
128. See POLARIS 2014, supra note 32. Although several states have one or fewer laws focused on human trafficking awareness and identification, many of those states, including Alabama, Delaware, Georgia, and New Hampshire, received the highest rating from Polaris in 2014 for their human trafficking laws. See id.; ALA. CODE § 13A-6-170 (2015); 9 DEL. ADMIN. CODE 201-37.2.16 (2018); GA. CODE ANN. § 16-5-47 (2017).
129. BOUCHE ET AL., supra note 7, at 17–18. A 2015 study found that "every aspect of state investment [requiring posting of the National Hotline, creating a task force, providing training, providing victim assistance, enabling police with investigative tools] has a positive and significant impact on increasing arrests for human trafficking in the state." Id.
display and provide a meaningful penalty for noncompliance. Maryland’s statute provides a prime example: hotels where law enforcement has made arrests resulting in convictions of prostitution, solicitation of a minor, or human trafficking must display the poster in each guest room, with a fine for noncompliance of up to $1,000 per day per guest room.\textsuperscript{131}

Statutes regarding display of the National Hotline should also require that the posters include warning signs for human trafficking and be displayed in areas such as restrooms where the public will easily see them. Because many trafficking victims do not self-identify and many members of the public do not know the warning signs for human trafficking, National Hotline posters should include at least basic warning signs.\textsuperscript{132} Also, a specific location requirement, such as a restroom, would increase the chances of an individual seeing the poster, compared with the vague requirement in most statutes for entities to display it in “a conspicuous location.”\textsuperscript{133}

\textbf{B. Expand Training Requirements}

Training is vital for increasing the chances for victims to be identified due to the in-depth knowledge it provides for a wide range of people. The few existing studies that measure the impact of human trafficking training indicate that it has an impact on identifying victims and prosecuting traffickers.\textsuperscript{134} Demonstration projects in Utah, New York, and Arizona found that conducting in-person training for law enforcement and local professionals raised awareness about human

\begin{itemize}
\item \textsuperscript{131} MD. CODE ANN., BUS. REG. § 15-207(b)–(c) (LexisNexis 2019).
\item \textsuperscript{132} See U.S. DEP’T OF STATE, supra note 8, at 9–10; FARRELL ET AL., supra note 7. Maryland’s statute provides a good example: posters encourage viewers to call if they or someone they know “[i]s being forced to have sex without consent,” “[h]as had an ID or documents taken away,” “[i]s being threatened by or is in debt to an employer,” or “[w]ants to leave a job but cannot freely do so.” MD. CODE ANN., BUS. REG. § 15-207(a)(1) (LexisNexis 2019).
\item \textsuperscript{133} See, e.g., CONN. GEN. STAT. § 54-234a(a)(2) (2019); FLA. STAT. § 787.29(3) (2017). Again, Maryland provides an example of a statute with a more specific requirement. MD. CODE ANN., BUS. REG. § 19-103(b)(2)(i)–(ii) (LexisNexis 2017) (requiring signs be posted “on the inside of each stall door in the restroom; or on the back of the door at the entrance to the restroom”).
\item \textsuperscript{134} See, e.g., FARRELL ET AL., supra note 7, at 94; Emergency Nurses Ass’n, supra note 103; Full Force of HHS, supra note 49.
\end{itemize}
trafficking and available resources for victims. The difference in identification and prosecution before and after training was particularly noticeable in Utah, where the community was less aware of human trafficking at the beginning of the project.

1. **Mandate Human Trafficking Training for Professionals**

Incentives are necessary to encourage professionals to attend human trafficking training. In a study of human trafficking training for health care professionals, interviewees who conducted the training expressed the need to establish incentives for health care professionals to attend training sessions and stated that requiring training for licensure or continuing education hours would provide such incentive. States that have not yet done so should require human trafficking training for a wide variety of professionals subject to state licensure, as Michigan has done. Although it may appear extreme to require training for such a broad range of professionals, even workers, including “social services employees, law enforcement, medical students and providers, educators, child protective services, first responders, and foster parents” with topics including “local human trafficking statistics and issues, ‘red flags’ or indications that someone might be a trafficking victim, information on providing trauma-informed care, local services for trafficking victims, state laws related to human trafficking, and contact information and resources” tailored to the specific needs of the audience. Id.

135. Walters et al., supra note 94, at 17–18. The projects trained organizations and professionals, including “social services employees, law enforcement, medical students and providers, educators, child protective services, first responders, and foster parents” with topics including “local human trafficking statistics and issues, ‘red flags’ or indications that someone might be a trafficking victim, information on providing trauma-informed care, local services for trafficking victims, state laws related to human trafficking, and contact information and resources” tailored to the specific needs of the audience. Id.

136. Id. at 18.

137. Powell et al., supra note 84.

138. Id.

such as building inspectors, in industries not considered hotspots of human trafficking encounter victims of human trafficking. A broad requirement would increase the scope of individuals receiving training and thus would increase public awareness overall. It would be relatively uncomplicated to implement because licensure and continuing education requirements are already established; human trafficking training would simply add to the structure already in place. Also, by tying workers’ ability to practice their profession with obtaining the required human trafficking training, enforcement would be built into the statute.

For employees who are not required to have licenses themselves but work at businesses where trafficking victims are likely to come, states should link human trafficking training with licensure requirements for the business. For example, hotels in New Jersey that fail to provide training for their employees may be unable to renew their licenses. Kentucky enforced its requirement that daycare center employees receive human trafficking training by making employees’ ability to work directly with children contingent upon completing the training.

2. Tailor Training to Fit the Target Industry

Laws requiring human trafficking training for professionals often lack direction regarding the type of training, standards the training curriculum must meet, or whether training must be directed at the

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140. Ross, supra note 43 (recounting that the Attorney General of South Carolina encouraged training of inspectors because of the number of reports that inspectors had seen signs of human trafficking while working yet failed to report them). Building inspectors had witnessed evidence of human trafficking while at work, including repeated movement into and out of buildings, windows that always remain covered, and unclothed women. Id. Unfortunately, inspectors rarely called the police; and even when they did, usually the traffickers and their victims had vanished before police arrived, indicating inspectors’ need for training in identification and reporting signs of human trafficking. Id.


143. KAN. ADMIN. REGS. 28-4-1255(k)(2) (2013). “Each direct care staff member [of infant/toddler care services] shall complete an additional [forty] clock-hours of orientation training before assuming direct supervision and before being counted in the ratio of direct care staff members to residents . . . The additional training shall include the following topics: . . . human trafficking and exploitation.” Id.
professionals’ respective industries. As a result, training programs vary widely, even within industries. State regulations should ensure that curriculum goes beyond basic introductory training to encompass skills that professionals will need in their particular industry to recognize trafficking cases and effectively report them. Developing a standardized curriculum for each industry would be particularly helpful where the individual providing the training has no experience in the target audience’s industry. States may create tailored curriculum by partnering with a local or national association associated with the industry, such as the partnership between the Minnesota Department of Health and the Minnesota Lodging Association that produced the state’s human trafficking training program for hotel workers.

3. Ensure a Plan for Funding

Funding for training programs may be costly. Concern over expenses may discourage a state from passing a human trafficking awareness law and, if public funds are not clearly available to defray costs, may also discourage entities from implementing training programs. Laws requiring training should provide funding or in-kind support to encourage compliance.

144. See supra Sections II.C–D and accompanying notes.
145. See Powell et al., supra note 84, at 4. Human trafficking training for health care professionals has “varied greatly.” Id. “For example, one session type consisted of a focused, 20-minute presentation; whereas most were half-day (46%) or whole-day seminars and workshops.” Id. at 5. The study conducted interviews of “experts in human trafficking [health care professional] education,” and all interviewees believed that human trafficking training “needed to move beyond knowledge to skill development and application.” Id.
146. See id.
147. See id.
148. See Powell et al., supra note 84, at 4 (explaining that the variation in training for health care professionals, interviewees of the study recommended that “an authoritative national body should lead the charge” to oversee standardization of human trafficking training for the health care industry); Prevention and Response Training for the Minnesota Lodging Industry, MINN. DEP’T HEALTH, https://www.health.state.mn.us/communities/safeharbor/communities/hoteltrafficking.html [https://perma.cc/Z9P9-3THT] (last visited Mar. 28, 2020) (detailing that newly-enacted state law requires hotels and motels to use a sex trafficking prevention and response curriculum developed in partnership with the Minnesota Lodging Association to train employees).
149. Lundahl, supra note 118, at 446.
150. Powell et al., supra note 84, at 4 (one institution did not take human trafficking training for health
States have varying methods of addressing the cost of implementing training programs. Minnesota provides a training package for hotel employees free of charge but does not provide further assistance.\textsuperscript{151} California, on the other hand, reimburses intercity transit agencies for the cost of training employees under a newly passed training requirement.\textsuperscript{152} If a state has concerns regarding the cost of developing training programs, it could partner with states that already developed programs or obtain training in partnership with nonprofits, some of which provide training at no charge.\textsuperscript{153}

4. Conduct Evaluations of Training

Evaluating training programs is necessary to determine the most effective training methods. Despite this fact, a study of human trafficking training in the health care industry found that few evaluations have been conducted, particularly those measuring long-term impact.\textsuperscript{154} Although some programs included a short test immediately following the training that “captured immediate changes in knowledge and[\ldots]or attitude,” aside from one follow-up evaluation after three months, none of the study’s interviewees reported a long-term evaluation.\textsuperscript{155} A follow-up evaluation to measure long-term impact should be incorporated into training curriculum for each industry. Such measures will reveal whether a particular training program is effective and may provide justification for maintaining the program or enacting a similar program in other states.

\textsuperscript{151} MINN. DEP’T OF HEALTH, supra note 148.


\textsuperscript{154} Powell et al., supra note 84.

\textsuperscript{155} Id.
5. Include Training Targeting Labor Trafficking

The overall response to human trafficking in the United States lacks “sustained effort to address labor trafficking compared to sex trafficking.” Many of the training requirements passed in recent years target sex trafficking but not labor trafficking, such as laws requiring training for hotel employees and implementing training for school children. Failure to include training to help professionals recognize labor trafficking greatly reduces the impact of training because it omits a substantial number of human trafficking victims. States should therefore ensure that training requirements address sex trafficking and labor trafficking equally.

C. Offer Tax Incentives

States should offer tax incentives for businesses that promote human trafficking training and reporting among their employees. Such incentives would be particularly useful in states that have not mandated measures to increase public awareness and identification due to a belief that such measures would not be politically feasible. Without analyzing the objections that legislators may have to mandating laws that increase public awareness, which would be beyond the scope of this Note, tax incentives for businesses that follow recommended procedures to encourage awareness of human trafficking would provide a financial incentive for businesses to enact the procedures, which may offset the cost and inconvenience of implementation. Studies have found that financial incentives have a moderate impact on changing behavior regarding environmental regulation, which suggests that they may have a similar impact on changing behavior regarding human trafficking.

156. U.S. DEP’T OF STATE, supra note 8, at 442.
157. See supra Sections II.D–E and accompanying notes.

https://readingroom.law.gsu.edu/gsulr/vol36/iss4/12
D. Develop a Human Trafficking Council

States should create and maintain human trafficking councils or task forces because they are uniquely poised to develop comprehensive laws to combat human trafficking; they have the time, resources, and expertise that lawmakers lack to develop thoughtful legislation tailored to the unique needs of the community.¹⁵⁹ Councils and task forces, unlike legislators, can focus on the single issue of human trafficking and typically have a variety of experts from various professions providing input, including state agencies, law enforcement, community-based organizations, nonprofits, and the judiciary.¹⁶⁰ Some task forces also have freedom to implement measures on a temporary and local basis to test their effectiveness as opposed to passing legislation that would be much more difficult to alter if the results were not as anticipated.¹⁶¹ The few studies that exist indicate that they are useful; one found that law enforcement agencies that partnered with a human trafficking task force were more likely than those that did not to view human trafficking as a serious issue in their community and conduct training sessions.¹⁶² Importantly, states would have financial help to implement them because the federal government offers grants to states for task forces.¹⁶³

CONCLUSION

The widespread impact of human trafficking reaches to the corners of every state. Because of the crime’s hidden nature, many remain

¹⁶⁰ See Forbes, supra note 109, at 507.
¹⁶¹ See OFFICE FOR VICTIMS OF CRIME & BUREAU OF JUSTICE ASSISTANCE, supra note 159. A task force did a case study about its own campaign to place “anti-trafficking awareness ads” on seventy-five county buses and found that, although trafficking cases were initiated through the campaign, it was “very costly” and “not as effective as they hoped,” in part because they used their own hotline, which shut down at night, instead of the continuously-monitored National Hotline. Id. The task force determined that the money would be more effective if spent on “targeted training” of key personnel like “nurses, emergency room staff, or law enforcement.” Id.
¹⁶² FARRELL ET AL., supra note 7.
¹⁶³ Id. at 2–3.
unaware that the vast underworld of human trafficking touches their communities and are ill-equipped to respond to it. By improving existing laws to promote public awareness of human trafficking, expanding training requirements, offering tax incentives for businesses, and establishing human trafficking councils, lawmakers can help equip the public to become partners in a comprehensive legal structure to combat human trafficking—one that not only prosecutes traffickers and rehabilitates victims but also takes the foundational key step of identifying traffickers and victims.